



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA No. 09-1030

Report No. TEL-01357

Thursday May 7, 2009

INTERNATIONAL AUTHORIZATIONS GRANTED

Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b)(4).

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see Section 1.4(b)(2)).

An updated version of Sections 63.09-25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>.

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

ITC-214-20081120-00511 E
International Telecommunications Certificate

UPM Marketing, Inc.

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action: 04/29/2009

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

ITC-214-20090206-00085	E	Canyon.TV Incorporated	
International Telecommunications Certificate			
Service(s):	Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service, INMARSAT and Mobile Satellite Service		
Grant of Authority		Date of Action:	04/29/2009
Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules; to provide resale service in accordance with section 63.18(e)(2) of the rules; and to provide Inmarsat and Mobile Satellite Service in accordance with section 63.18(e)(3) of the rules between the United States and all permissible foreign points, 47 C.F.R. § 63.18(e)(1), (2), (3).			

ITC-214-20090227-00107	E	AIRTEL COMMUNICATION INC	
International Telecommunications Certificate			
Service(s):	Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service		
Grant of Authority		Date of Action:	04/24/2009
Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).			

ITC-214-20090319-00128	E	Selway Group, Inc.	
International Telecommunications Certificate			
Service(s):	Global or Limited Global Resale Service		
Grant of Authority		Date of Action:	04/10/2009
Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).			

ITC-214-20090331-00137	E	WholeTel, Inc.	
International Telecommunications Certificate			
Service(s):	Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service		
Grant of Authority		Date of Action:	04/24/2009
Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).			

ITC-214-20090403-00145	E	ChitChat Communications, Inc.	
International Telecommunications Certificate			
Service(s):	Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service		
Grant of Authority		Date of Action:	04/24/2009
Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).			

ITC-214-20090407-00147	E	NOC, Inc.	
International Telecommunications Certificate			
Service(s):	Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service		
Grant of Authority		Date of Action:	04/24/2009
Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).			

ITC-214-20090407-00148	E	Elite Telnet, LLC.	
International Telecommunications Certificate			
Service(s):	Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service		
Grant of Authority		Date of Action:	04/24/2009
Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).			

ITC-214-20090407-00149 **E** **Pin Yin Communications, LLC**
International Telecommunications Certificate
Service(s): **Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service**
Grant of Authority **Date of Action: 04/24/2009**

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

ITC-214-20090407-00150 **E** **Mountain View Estate Corporation**
International Telecommunications Certificate
Service(s): **Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service**
Grant of Authority **Date of Action: 04/24/2009**

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

ITC-214-20090408-00152 **E** **Global Talk Telecom, LLC d/b/a V365**
International Telecommunications Certificate
Service(s): **Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service**
Grant of Authority **Date of Action: 04/24/2009**

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

ITC-214-20090409-00151 **E** **Proactive Communications Inc.**
International Telecommunications Certificate
Service(s): **Global or Limited Global Resale Service**
Grant of Authority **Date of Action: 04/24/2009**

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

ITC-ASG-20090326-00135 **E** **SmartNet, Inc**
Assignment
Grant of Authority **Date of Action: 05/06/2009**

Current Licensee: **NYX Communications, LLC**
FROM: **NYX Communications, LLC**
TO: **SmartNet, Inc**

Notification filed March 26, 2009 of the pro forma assignment of international section 214 authorization, ITC-214-20040701-00265, from NYX Communications LLC (NYX) to SmartNet, Inc. (SmartNet), effective March 26, 2009. Both NYX and SmartNet are wholly owned and controlled by NetHertz Corporation (NetHertz).

ITC-T/C-20080913-00428 E

CM TEL (USA) LLC

Transfer of Control

Date of Action: 04/24/2009

Grant of Authority

Current Licensee: CM TEL (USA) LLC

FROM: China Motion Telecom International Limited

TO: Pacific Networks Corp.

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-20090424-00199, held by CM Tel (USA) LLC (CM Tel (USA)), from China Motion Telecom International Limited (CMTIL) to Pacific Networks Corp. (Pacific Networks). Pursuant to the terms of a Sale and Purchase Agreement, dated August 28, 2008, the parties contemplate that Pacific Networks will acquire all of the shares of CM Tel (USA). CM Tel (USA) currently provides service under authorization File No. ITC-214-19990927-00607.

Pacific Networks is controlled indirectly by the People's Republic of China. Upon closing, the following individuals and entities will hold 10 percent or greater direct and/or indirect ownership interests in CM Tel (USA) through Pacific Networks: Pacific Choice International Limited (Hong Kong); CITIC 1616 Holdings Limited (Hong Kong); Ease Action Investments Corp. (Hong Kong); Ferretti Holdings Corp. (British Virgin Islands); Douro Holdings Inc. (British Virgin Islands); CITIC Pacific Communications Limited (Bermuda); Effectual Holdings Corp. (British Virgin Islands); Crown Base International Limited (British Virgin Islands); CITIC Pacific Limited (Hong Kong); Heedon Corporation (Republic of Liberia); Larry Yung Chi Kin (Hong Kong citizen); Full Chance Investments Limited (British Virgin Islands); Newcase Investments Limited (British Virgin Islands); Skyprofit Holdings Limited (British Virgin Islands); CITIC Hong Kong (Holdings) Limited (Hong Kong); CITIC Group (People's Republic of China) and its 100% parent, the Assets Supervision and Administration Commission of the State Council of China.

We grant the Petition to Adopt Conditions to Authorizations and Licenses (Petition) filed in this proceeding on March 30, 2009, by the Department of Homeland Security and the Department of Justice. Accordingly, we condition grant of this application on Pacific Networks Corp. and CM Tel (USA) abiding by the commitments and undertakings set forth in their letter of March 3, 2009 to Mr. Stephen R. Heifetz, Deputy Assistant Secretary for Policy Development, Department of Homeland Security, and Mr. Matthew G. Olsen, Acting Assistant Attorney General, National Security Division, Department of Justice (March 3, 2009 Letter). A copy of the Petition and the March 3, 2009 Letter are publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for ITC-T/C-20080913-00428 and accessing "Other filings related to this application" from the Document Viewing area.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

Disposal

ITC-214-20080819-00384

Skipfon, LLC

By letter filed April 23, 2009, Applicant notified the Commission of the Withdrawal of its international section 214 application.

ITC-T/C-20081124-00512

PCCW Limited

By electronic notification dated April 23, 2009, Applicant notified the Commission of the Withdrawal of their 214 transfer of control application.

ITC-T/C-20081215-00534

Resch Ltd.

By electronic notification dated April 23, 2009, Applicant notified the Commission of the Withdrawal of their 214 transfer of control application.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is attached to this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>. It also will be attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.

(4) Carriers shall comply with the Commission's International Settlements Policy and associated filing requirements contained in Sections 43.51, 64.1001 and 64.1002 of the Commission's Rules, 47 C.F.R. §§ 43.51, 64.1001, 64.1002. The Commission modified these requirements most recently in International Settlements Policy Reform: International Settlement Rates, First Report and Order, FCC 04-53, 19 FCC Rcd 5709 (2004). In addition, any carrier interconnecting private lines to the U.S. public switched network at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief, International Bureau, a certified statement containing, on a country-specific basis, the number and type (e.g., 64 kbps circuits) of private lines interconnected in such manner. The Commission will treat the country of origin information as confidential. Carriers need not file their contracts for interconnection unless the Commission specifically requests. Carriers shall file their annual report on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries which the Commission has exempted from the International Settlements Policy at any time during a particular reporting period are exempt from this requirement. See 47 C.F.R. § 43.51(d). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at http://www.fcc.gov/ib/pd/pf/isp_exempt.html.

(5) Carriers authorized to provide private line service either on a facilities or resale basis are limited to the provision of such private line service only between the United States and those foreign points covered by their referenced applications for Section 214 authority. A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 C.F.R. § 63.23(d).

(6) A carrier may engage in "switched hubbing" to countries that do not appear on the Commission's list of U.S. international routes that are exempt from the International Settlements Policy, set forth in Section 64.1002, 47 C.F.R. § 64.1002, provided the carrier complies with the requirements of Section 63.17(b) of the rules, 47 C.F.R. § 63.17(b). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at http://www.fcc.gov/ib/pd/pf/isp_exempt.html.

(7) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.

(8) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.

(9) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a). Carriers shall also file the quarterly reports required by Section 43.61 in the circumstances specified in paragraphs (b) and (c) of

that Section.

(10) Carriers shall file annual reports of circuit status and/or circuit additions in accordance with the requirements set forth in Rules for Filing of International Circuit Status Reports, CC Docket No. 93-157, Report and Order, 10 FCC Rcd 8605 (1995). See 47 C.F.R. § 43.82. See also §§ 63.22(e), 63.23(e). These requirements apply to facilities-based carriers and private line resellers, respectively. See also <http://www.fcc.gov/ib/pd/pf/csmanual.html>.

(11) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. Further, the grant of these applications shall not be construed to include authorization for the transmission of money in connection with the services the applicants have been given authority to provide. The transmission of money is not considered to be a common carrier service.

(12) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(13) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.

(14) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

Exclusion List for International Section 214 Authorizations

— Last Modified December 22, 1999 —

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). In addition, the facilities listed shall not be used by U.S. carriers authorized under Section 63.18 of the Commission's Rules unless the carrier's Section 214 authorization specifically lists the facility. Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See generally 47 C.F.R. § 63.22.

Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice Report No. I-6831, dated July 27, 1993, "FCC to Accept Applications for Service to Cuba.")

Facilities:

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at <http://www.fcc.gov/ib/sd/se/permitted.html>. See International Bureau Public Notice, DA 99-2844 (rel. Dec. 17, 1999).

This list is subject to change by the Commission when the public interest requires. Before amending the list, the Commission will first issue a public notice giving affected parties the opportunity for comment and hearing on the proposed changes. The Commission may then release an order amending the exclusion list. This list also is subject to change upon issuance of an Executive Order. See Streamlining the Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, FCC 96-79, 11 FCC Rcd 12,884, released March 13, 1996 (61 Fed. Reg. 15,724, April 9, 1996). A current version of this list is maintained at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>.

For additional information, contact the International Bureau's Policy Division, (202) 418-1460.